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ADVANCE MATERIALS PRODUCTS, INC.
1890 GEORGETOWN ROAD
HUDSON, OH 44236

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OCT 19 2006

OFFICE OF PETITIONS

In re Application of
Moxson et al. :
Application No. 10/748,619 :
Filing Date: December 27, 2003 :
For: FULLY-DENSE DISCONTINUOUSLY-
REINFORCED TITANIUM MATRIX
COMPOSITES AND METHOD FOR
MANUFACTURING THE SAME

Decision on Petition

This is a decision on the petition filed August 2, 2006 (certificate of mailing date July 27, 2006), under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." . This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A Notice to File Missing Parts was mailed to the address of record on April 13, 2004. The Notice stated petitioner owed an additional \$15 for the filing fee and \$65 for the surcharge required when a filing fee is paid in full on a date after the filing date for the application. The Notice set an extendable period for reply of two (2) months from the mail date of the Notice.

Petitioners failed to reply to the Notice to File Missing Parts. As a result, the application became abandoned on midnight of June 13, 2004.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

This petition lacks items (1) and (2).

Regarding (1), a review of Office records indicates that the Office did not receive a check for the \$10.00 balance owed from the fees set in the April 13, 2004 Notice.

Regarding (2), a review of Office records indicates that the Office did not receive a check for the \$750.00 petition fee.

The payment of the petition fee is a prerequisite to the filing of a petition to revive under 37 CFR 1.137(b). This requirement cannot be waived. MPEP 711.03(c)(III)(B).

Petitioners are urged to submit the \$750.00 petition fee and the \$10.00 balance owed from the fees set in the April 13, 2004 Notice.

The petition is dismissed and the application remains abandoned.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
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Office of Petitions